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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAI‘I

NATIONAL ASSOCIATION FOR  
GUN RIGHTS; RONDELLE AYAU;  
JEFFREY BRYANT,

Plaintiffs,

v.

HOLLY SHIKADA, in her official  
capacity as Attorney General for the  
State of Hawai‘i,

Defendant.

CIVIL NO. 1:22-cv-00404-DKW-RT

DEFENDANT HOLLY SHIKADA, IN  
HER OFFICIAL CAPACITY AS  
ATTORNEY GENERAL FOR THE  
STATE OF HAWAII’S ANSWER TO  
FIRST AMENDED COMPLAINT;  
CERTIFICATE OF SERVICE

DEFENDANT HOLLY SHIKADA, IN HER OFFICIAL CAPACITY AS  
ATTORNEY GENERAL FOR THE STATE OF HAWAII'S  
ANSWER TO FIRST AMENDED COMPLAINT

Defendant HOLLY SHIKADA, in her official capacity as Attorney General for the State of Hawai‘i (“Defendant”), by and through her attorneys John H. Price, Kimberly T. Guidry, Mana Moriarty, Kaliko‘onālani D. Fernandes, Nicholas M. McLean, and David D. Day, Deputy Attorneys General, hereby answers the First Amended Complaint (“FAC”) filed on November 8, 2022 by Plaintiffs NATIONAL ASSOCIATION FOR GUN RIGHTS, RONDELLE AYAU, and JEFFREY BRYANT (“Plaintiffs”) in Civil No. 1:22-cv-00404 as follows:

FIRST DEFENSE

The FAC fails to state a claim upon which relief can be granted against Defendant.

SECOND DEFENSE

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraphs 1, 2, 4, 21, 22, 25, and 26, and so denies same.

2. For her answer to paragraph 3, Defendant admits that she is the Attorney General of the State of Hawai‘i and is sued in her official capacity. Defendant’s powers are defined in Hawaii Revised Statutes (“HRS”) Chapter 28.

To the extent any allegations in paragraph 3 contradict anything in HRS Chapter 28, Defendant denies those allegations.

3. For her answer to paragraphs 5, 6, and 7, Defendant states that the FAC and authorities cited speak for themselves, and any remaining allegations call for a legal conclusion. Defendant does not waive any objections or arguments regarding the Court's subject matter jurisdiction. To the extent any further response is required, Defendant denies the allegations and characterizations in those paragraphs.

4. Defendant denies the allegations in paragraphs 31, 33, 34, 35, 38, 39, 40, 45, and 47.

5. For her answer to paragraphs 8, 9, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 28, 29, 30, 36, 37, and 46 of the FAC, Defendant states that the authorities cited therein speak for themselves. To the extent any further response is required, Defendant denies the allegations and characterizations therein.

6. For her answer to paragraph 13, Defendant states that the FAC speaks for itself. To the extent any further response is required, Defendant denies the allegations and characterizations therein.

7. For her answer to paragraph 23, Defendant admits that the State is enforcing HRS § 134-8(c). Defendant denies the second sentence. Defendant admits that Hawai'i Attorneys General have joined amicus briefs in the past

relevant to gun regulations. Those briefs speak for themselves. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 23, and so denies same.

8. For her answer to paragraphs 24 and 27, Defendant states that she has neither avowed nor disavowed any change in enforcement of the challenged laws. To the extent any further response is required, Defendant denies the allegations and characterizations therein.

9. For her answer to paragraph 32, Defendant states that the authority cited in the first sentence speaks for itself. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the second and third sentences, and so denies same. Defendant denies the fourth sentence. The authority cited in the fifth sentence speaks for itself. To the extent any further response is required, Defendant denies the allegations and characterizations therein.

10. For her answer to paragraphs 41 and 42, Defendant denies that the challenged laws infringe on Plaintiffs' rights. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in those paragraphs, and so denies same.

11. For her answer to paragraph 43, Defendant restates and incorporates by reference her responses to paragraphs 1 through 42.

12. For her answer to paragraph 44, Defendant denies the first two sentences therein. As to the third sentence, Defendant states that the statutes referenced speak for themselves, and to the extent any further response is required, Defendant denies the allegations and characterizations therein.

13. Defendant denies each and every allegation, statement, matter, and thing contained in the FAC that was not specifically mentioned above including any and all allegations in the prayer for relief.

#### THIRD DEFENSE

Under the Eleventh Amendment to the Constitution of the United States, Defendant is immune from suit in federal court on Plaintiffs' claims.

#### FOURTH DEFENSE

Plaintiffs' claims are barred by the doctrine of sovereign immunity.

#### FIFTH DEFENSE

Defendant did not personally participate in or cause the deprivations complained of.

#### SIXTH DEFENSE

Plaintiffs lack standing to assert the claims in the FAC.

#### SEVENTH DEFENSE

Plaintiffs' claims are not ripe for adjudication.

EIGHTH DEFENSE

Based on the allegations in the FAC, Defendant cannot formulate all of her defenses at this time, and reserves the right to amend her answer to include additional affirmative defenses if and when discovery justifies the same.

WHEREFORE, Defendant requests that the FAC be dismissed with prejudice and that she be awarded her reasonable attorneys' fees and costs and such other relief as this Court deems appropriate.

DATED: Honolulu, Hawai'i, November 22, 2022.

*/s/ Mana Moriarty*

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